

Agricultural Marketing Service, USDA

§ 923.4

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PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUN- TIES IN WASHINGTON

Subpart—Order Regulating Handling

DEFINITIONS

- Sec.
923.1 Secretary.
923.2 Act.
923.3 Person.
923.4 Production area.
923.5 Cherries.
923.6 Varieties.
923.7 Fiscal period.
923.8 Committee.
923.9 Grade.
923.10 Size.
923.11 Grower.
923.12 Handler.
923.13 Handle.
923.14 District.
923.15 Export.
923.16 Pack.
923.17 Container.

ADMINISTRATIVE BODY

- 923.20 Establishment and membership.
923.21 Term of office.
923.22 Nomination.
923.23 Selection.
923.24 Failure to nominate.
923.25 Acceptance.
923.26 Vacancies.
923.27 Alternate members.
923.30 Powers.
923.31 Duties.
923.32 Procedure.
923.33 Expenses and compensation.
923.34 Annual report.

EXPENSES AND ASSESSMENTS

- 923.40 Expenses.
923.41 Assessments.
923.42 Accounting.
923.43 Contributions.

RESEARCH

- 923.45 Marketing research and development.

REGULATIONS

- 923.50 Marketing policy.
923.51 Recommendations for regulation.
923.52 Issuance of regulations.
923.53 Modification, suspension, or termination of regulations.
923.54 Special purpose shipments.
923.55 Inspection and certification.

REPORTS

- 923.60 Reports.

MISCELLANEOUS PROVISIONS

- 923.61 Compliance.
923.62 Right of the Secretary.
923.63 Effective time.
923.64 Termination.
923.65 Proceedings after termination.
923.66 Effect of termination or amendment.
923.67 Duration of immunities.
923.68 Agents.
923.69 Derogation.
923.70 Personal liability.
923.71 Separability.
923.142 Reserve fund.

ASSESSMENT RATE

- 923.236 Assessment rate.

GRADE, SIZE, CONTAINER AND PACK REGULATION

- 923.322 Washington cherry handling regulation.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 22 FR 3835, June 1, 1957, unless otherwise noted. Redesignated at 26 FR 12751, Dec. 30, 1961.

Subpart—Order Regulating Handling

DEFINITIONS

§ 923.1 Secretary.

Secretary means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 923.2 Act.

Act means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.; 68 Stat. 906, 1047).

§ 923.3 Person.

Person means an individual, partnership, corporation, association, or any other business unit.

§ 923.4 Production area.

Production area means the counties of Okanogan, Chelan, Kittitas, Yakima, Klickitat in the State of Washington

§ 923.5

and all of the counties in Washington lying east thereof.

[66 FR 58356, Nov. 21, 2001]

§ 923.5 Cherries.

Cherries means all varieties of sweet cherries grown in the production area, classified botanically as *Prunus avium*.

§ 923.6 Varieties.

Varieties means and includes all classifications or subdivisions of *Prunus avium*.

§ 923.7 Fiscal period.

Fiscal period is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 923.8 Committee.

Committee means the Washington Cherry Marketing Committee established pursuant to § 923.20.

§ 923.9 Grade.

Grade means any one of the officially established grades of cherries as defined and set forth in:

(a) United States Standards for Sweet Cherries (§§ 51.2646 to 51.2660 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for sweet cherries issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 923.10 Size.

Size means the greatest diameter, measured through the center of the cherry, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 923.11 Grower.

Grower is synonymous with producer and means any person who produces cherries for market and who has a proprietary interest therein.

7 CFR Ch. IX (1–1–11 Edition)

§ 923.12 Handler.

Handler is synonymous with shipper and means any person (except a common or contract carrier transporting cherries owned by another person) who handles cherries.

§ 923.13 Handle.

Handle and *ship* are synonymous and mean to sell, consign, deliver, or transport cherries or cause the sale, consignment, delivery, or transportation of cherries or in any other way to place cherries, or cause cherries to be placed, in the current of the commerce from any point within the production area to any point outside thereof: *Provided*, That the term *handle* shall not include the transportation within the production area of cherries from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such cherries to such packing facility for such preparation.

§ 923.14 District.

District means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 923.31(m):

(a) *District 1* shall include the Counties of Chelan, Okanogan, Douglas, Grant, Lincoln, Spokane, Pend Oreille, Stevens, and Ferry.

(b) *District 2* shall include the counties of Kittitas, Yakima, Klickitat, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield and Asotin.

[22 FR 3835, June 1, 1957. Redesignated at 26 FR 12751, Dec. 30, 1961, as amended at 66 FR 58356, Nov. 21, 2001]

§ 923.15 Export.

Export means to ship cherries beyond the continental boundaries of the United States.

§ 923.16 Pack.

Pack means the specific arrangement, size, weight, count, or grade of a quantity of cherries in a particular type and size of container, or any combination thereof.